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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re prior application of: Peter and Kristin Cronk

Application Serial No.: 09/360,678

Group Art No.: 2835

Filed: July 26, 1999

Examiner: H. Duong

For: Portable Computing Device with Leather Grain Top

CERTIFICATION UNDER 37 CFR § 1.10

I hereby certify that this correspondence and the documents referred to as attached therein are being deposited with the U.S. Postal Service in an envelope using "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 CFR § 1.10, Mailing Label Number EL714878985US addressed to the: Assistant Commissioner for Patents, Washington, DC 20231.

Mary LaGrange
Date March 28, 2001

Box CPA
Assistant Commissioner for Patents
Washington, DC 20231

Sir:

**CONTINUED PROSECUTION APPLICATION (CPA)
(37 CFR § 1.53(d))**

1. This is a request for the filing of a ☒ continuation ☐ divisional continued prosecution application under 37 CFR § 1.53(d) of the above-identified prior nonprovisional application.

It is further requested that this CPA utilize the file jacket and contents of the *prior* application, including the specification, drawings, and oath or declaration *from the prior application*, to constitute this new application, and that the application number of the above-identified *prior* application be assigned for identification purposes. (37 CFR § 1.53(d)(2)(iv)).

It is also requested that the above-identified *prior* application be *expressly abandoned* as of the filing date accorded this CPA. (37 CFR § 1.53(d)(2)(v)).

2. With respect to the above-identified *prior* nonprovisional application, this CPA is being filed:

A. ☒ before the earliest of the:

☐ termination of the proceedings on the prior application (37 CFR § 1.53(d)(1)(ii)(C)).

☐ payment of the issue fee on the prior application (37 CFR § 1.53(d)(1)(ii)(A)).

☐ abandonment of the prior application (37 CFR § 1.53(d)(1)(ii)(B))

OR

B. ☐ After payment of the issue fee--but a petition under § 1.313(b)(5) has been granted in the prior application. (37 CFR § 1.53(d)(1)(ii)(A)).

C. ☒ The term for response or taking action in the *prior* application expires on July 2, 2001.

☐ An extension of time in the prior application is:

☐ filed concurrently in the *prior* application.

☐ has been filed on _____.

☒ not needed

3. It is noted that:

A. This application discloses and claims **only** subject matter disclosed in the *prior* application.

B. A **continuation-in-part** application cannot be filed as a CPA under 37 CFR § 1.53(d), but must be filed under 37 CFR § 1.53(b).

C. Filing of this CPA will be construed to include a **waiver of confidentiality** by the applicant under 35 U.S.C. § 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR § 1.14 to access to, copies of, or information concerning, either the *prior* application or any *continuing* application filed under the provisions of 37 CFR § 1.53(d), may be given similar access to, copies of, or similar information concerning the other application or applications in the file jacket. (37 CFR § 1.53(d)(6)).

- D. In a CPA, no reference to the *prior* application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the *prior* application is submitted, it will not be entered. A request for a CPA is the **specific reference required by 35 USC § 120** and to every application assigned the application number identified in such request. (37 CFR § 1.78(a).

4. This CPA names as inventors:

- ☒ the same inventors named in the *prior* application on the date this CPA under 37 CFR § 1.53(d)(2)(iii) is being filed.
- ☐ fewer than all the inventors named in the *prior* application. (37 CFR § 1.53(d)(4).

NOTE: a CPA may be filed by fewer than all the inventors named in the prior application, provided the request for CPA is accompanied by or contains a statement requesting deletion of the name(s) of the person(s) who are not the inventors of the invention being claimed in the new application. (37 CFR § 1.53(d)(4)).

- ☐ Please DELETE the following inventor(s) named in the *prior* application. (37 CFR § 1.53(d)(4).

_____.

NOTE: A request for CPA purporting to name as an inventor a person not named as an inventor in the prior application (even if accompanied by a new declaration/oath under § 1.63 listing that person as an inventor) will be treated as naming the same inventors named in the prior application (37 CFR § 1.53(d)(2)(iii)).

- ☐ Please ADD the following inventor(s):

_____.

- ☐ A petition under 37 CFR § 1.48 is attached.

NOTE: No person may be named as an inventor in this CPA who was not named as an inventor in the prior application on the date this CPA is being filed, except by way of a petition under 37 CFR § 1.48.

5. ☒ Please enter the amendment previously filed on March 9, 2001 under 37 CFR § 1.116 in the prior nonprovisional application.

☐ A preliminary amendment is enclosed.

6. Fee Calculation

The filing fee has been calculated as shown below (37 CFR § 1.16):

	NO. <u>FILED</u>	NO. <u>EXTRA</u>	<u>SMALL ENTITY</u>		<u>OR</u>	<u>OTHER THAN SMALL ENTITY</u>	
			<u>RATE</u>	<u>FEE</u>		<u>RATE</u>	<u>FEE</u>
FOR:							
BASIC FEE				\$355	<u>OR</u>		\$710
TOTAL CLAIMS	<u>20</u>	- 20 = <u>0</u>	x 9 =	\$-0-	OR	x 18 =	\$
INDEP. CLAIMS	<u>3</u>	- 3 = <u>0</u>	x 40 =	\$-0-	<u>OR</u>	x 80 =	\$
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM(S)			+135 =	\$-0-	<u>OR</u>	+270 =	\$
TOTAL				\$355	<u>OR</u>		\$

7. Small Entity Statements:

☐ Statement(s) that this is a filing by a small entity under 37 §§ CFR 1.9 and 1.27 attached.

☒ Status as a small entity was claimed in prior U.S. Application Serial No. 09/360,678 filed on July 26, 1999 . **Status is still proper and desirable.**

☐ A copy of the statement in prior application is enclosed.

8. Method of Payment of Fees:

☐ **No filing fee is to be paid at this time.**

☐ Please charge my Deposit Account No. 04-1679 in the amount of \$_____. This transmittal is attached in duplicate.

☒ A check in the amount of \$ 355.00 is attached. Please charge any deficiency or credit any overpayment to Deposit Account No. 04-1679.

9. Authorization to Charge Additional Fees:

NOTE: if no fees are to be paid on filing, the following items should NOT be completed.

☒ The Commissioner is authorized to charge payment of the following fees and to refund any overpayment associated with this communication or during the pendency of this application to Deposit Account No. 04-1679. **This sheet is provided in duplicate.**

☒ Filing fees (37 CFR § 1.16)

☒ Presentation of extra claims (37 CFR § 1.16(b), (c) and (d)).

☐ Surcharge for filing the basic filing fee and/or declaration later than the filing date of the application (37 CFR § 1.16(e)).

☒ 37 CFR §§ 1.17(a)(1)-(5) (*Extension fees pursuant to 37 CFR § 1.136(a)*).

☒ Application processing fees (37 CFR § 1.17).

☐ 37 CFR § 1.18 (*Issue Fee at or before mailing of Notice of Allowance pursuant to 37 CFR 1.311(b)*).

10. Other

☐ A new Power of Attorney or Authorization of Agent (PTO/SB/81) is enclosed.

☐ Please assign new Attorney Docket Number _____.

☐ Receipt for Facsimile Transmitted CFA (PTO/SB/29A) is attached.

☒ A Return Receipt Postcard is enclosed.

Date:

3/28/01


Peter J. Cronk
Registration No. 32,021

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